

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONALD J. TRUMP, et al.,
Plaintiffs,
v.
YOUTUBE LLC, et al.,
Defendants.

Case No. [21-cv-08009-JSW](#)

**ORDER DENYING MOTION TO
CONSOLIDATE**

Re: Dkt. No. 125

Now before the Court is Plaintiffs’ motion for consolidation pursuant to Rule 42 of the Federal Rule of Civil Procedure of the following cases: (1) *Trump, et al. v. YouTube, LLC, et al.*, Civ. No. 21-cv-08009-JSW (“*YouTube*”); (2) *Trump, et al. v. Twitter Inc., et al.*, Civ. No. 21-08378-JD (“*Twitter*”); and (3) *Trump, et al. v. Meta Platforms, Inc., et al.*, Civ. No. 21-09044-JSW (“*Facebook*”). All three cases were separately transferred from the Southern District of Florida and randomly assigned to district court judges.

This Court has already determined that the three separate cases are not related. In alternate proceedings, the parties have each indicated that they think the cases are not related. The Court’s relatedness ruling, however, does not preclude a finding under Federal Rule of Civil Procedure 42. Pursuant to Rule 42(a), “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” In exercising its discretion, the court must balance “the

1 interest of judicial convenience against the potential for delay, confusion and prejudice caused by
 2 consolidation. *Paxonet Communications Inc. v. TranSwitch Corp.*, 303 F. Supp. 2d 1027, 1029
 3 (N.D. Cal. 2003) (citation omitted). “The party seeking consolidation bears the burden of
 4 demonstrating that convenience and judicial economy would result from consolidation.” *Miller v.*
 5 *Ventro Corp.*, 2001 WL 34497752, at *3 (N.D. Cal. Nov. 28, 2001).

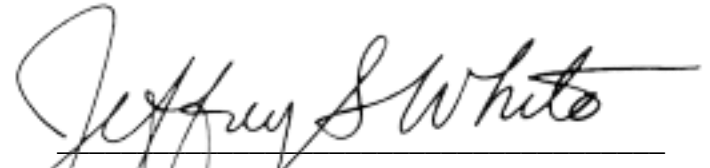
6 The Court finds that Plaintiffs’ request for consolidation of these cases is premature. It
 7 would be more efficient and conserve judicial resources to resolve the pending motions to dismiss
 8 (and preliminary injunction motions) to see what remains of the cases. *See, e.g.*, Wright & Miller,
 9 Consolidation – Discretion of Court, 9A Fed. Prac. & Proc. Civ. 2383 (3d ed.) (“[C]ourts have
 10 concluded that consolidation is premature when motions to dismiss are pending.”) (collecting
 11 cases); *see also Osman v. Weyker*, 2016 WEL 10402791, at *3 (D. Minn. Nov. 21, 2016) (holding
 12 that consolidation is premature in light of the fact that defendants planned to move to dismiss); *see*
 13 *Thompson v. City of St. Peters*, 2016 WL 1625373, at *2 (E.D. Mo. Apr. 21, 2016) (stating that
 14 judicial efficiency is best served by deciding pending motions for judgment on the pleadings and
 15 summary judgment before any consolidation) (citing *Sprint Communications, L.P. v. Cox*
 16 *Communications, Inc.*, 2012 WL 1825222, at *1 (D. Kansas May 18, 2012) (finding motion to
 17 consolidate premature in light of pending motions to dismiss); *Evans v. International Paper Co.*,
 18 2011 WL 2559791, at *6 (W.D. La. June 28, 2011) (same); *Vickers v. Green Tree Serv., LLC*,
 19 2015 WL 7776880, at *2 (D. Kansas Dec. 2, 2015) (noting that consolidation would be premature
 20 and judicial efficiency would not be served by case consolidation when motions to dismiss were
 21 pending).

22 At this point in the proceedings, the Court finds it would be premature to consolidate these
 23 unrelated matters. *See Anselmo v. County of Shasta, Cal.*, 2012 WL 13046421, at *1 (E.D. Cal.
 24 Aug. 6, 2012) (denying motion to consolidate as premature and holding that “[a]t this point in the
 25 proceedings, it is too early for the court to determine whether consolidation would serve the
 26 interests of convenience and judicial economy. It would therefore be premature for the court to
 27 consolidate the actions. If at a later date when issues are more developed any party believes it
 28 would be efficient to consolidate the proceedings, they may bring another motion to consolidate.”)

1 Accordingly, the Court DENIES Plaintiffs' motion for consolidation without prejudice to
2 renewal.

3
4 **IT IS SO ORDERED.**

5 Dated: January 11, 2022

6 
7 JEFFREY S. WHITE
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28